

## **VIRGINIA ROANOKE RIVER BASIN ADVISORY COMMITTEE MEETING MINUTES**

**April 5, 2004**

**Clarksville Community Center**

**Attendance: All VRRBAC members except Sen. Hawkins, Del. Byron, Del. Hurt, Representative Goode, Mike McEvoy, Charles Poindexter, Watt Foster, and Haywood Hamlet. DEQ: Greg Anderson; DCR: Tim Ott**

### **Call to Order:**

Chairman Feild called the meeting to order.

### **Welcome and Recognition of Visitors:**

Chairman Feild welcomed everyone and recognized the visitors and guests including Bill Brush, Smith Mt. Lake Assoc. (SMLA) and Roanoke River Basin Water Conservation Alliance, Bob Camicia, SMLA and URRR, Bill Reidenbach, SMLA, Randy Arno, UVA-Southside, Joe Noah, Jerry Lovelace, Halifax Co., Robert Benning, News Progress, Wayne Carter, Mecklenberg Co., Barry Dunkley, Danville, Harrel Johnson, Roanoke River Basin Assoc., Richard Seekins, Kerr-Tarr Council of Governments, and Walt Cummings, Clarksville Revitalization.

### **January 21, 2004 meeting minutes:**

The approval of minutes was deferred until the next meeting, as a quorum was not present.

### **VRRBAC Proposed Legislation:**

Senator Ruff updated the members on the status of this bill SB 406. The appointment formula passed last year has now been changed back to the original wording. During the 2003 session, the power to appoint the citizen members nominated by PDCs was given to the Speaker of the House of Delegates and the Senate Committee on Privileges and Elections. This bill returns appointive power to the legislative members of the Commission. However, two additional at-large members have been added, one to represent the lower basin and one to serve the upper basin. Legislative members are now “ex officio” so they will not count towards meeting a quorum. The reimbursement for expense issue is still under consideration and will hopefully be rectified.

Delegate Wright said that he was working to correct a situation involving representation for part of the basin on the Bi-state Commission. Chairman Feild indicated that all the initial appointments did not follow the intent of the legislature in that appointments of non-legislative citizens should be based upon geographical representation. In the initial VRRBAC meeting it was decided by the members that those serving VRRBAC as officers would be precluded from serving on the Virginia Delegation to the Roanoke River Basin Bi-state Commission. However, appointments were made in a different manner. Sensitivities should be observed in any changes. Delegate Wright indicated that an honest mistake was made in the appointments and it would take some time to work through the situation.

### **Bill Brush, Director, Smith Mountain Lake Association and Chairman of the Roanoke River Basin Water Conservation Alliance; “Smith Mountain Project Release Protocol Analysis”.**

The presentation summarized the findings of the Protocol Committee of the Water Conservation Alliance and compared the “Graduated Step Release Protocol” to the current 650 CFS protocol.

- Membership of the Protocol Committee of the Water Conservation Alliance was as follows:

J. Johnson Eller, esq. – Chairman, Altavista, VA  
William Brush – member, Smith Mountain Lake, Bedford County, VA  
J.T. Davis – member, Friends of the Staunton River, Brookneal, VA  
John Lindsey – member, Smith Mountain Lake, Pittsylvania County, VA

Shelton Miles – member, Citizens for Preservation of the River, Long Island, VA  
William Reidenbach – member, Smith Mountain Lake, Franklin County, VA  
Teresa Rodgers – member, Reservoir Manager, American Electric Power (AEP)

- The committee attempted to establish a protocol for releases that would fairly support all stakeholders needs both above the Leesville Dam (upstream) to below (downstream) the principal idea being to “share the pain” equitably in times of prolonged low inflows. In formulating the protocol principal priorities were:
  1. Upstream and downstream public water withdrawals and sewage effluent dispersion;
  2. Power generation capability;
  3. State agency requirements including: water quality, sustenance of aquatic life, and Striper and other fish species spawns;
  4. Downstream and upstream economic, recreational and tourism needs and expectations.
- The committee examined several release protocols and studied their impact upon stream flow below the Leesville dam and on the water levels of Smith Mountain Lake. The committee utilized historical stream flow data from the United States Geological Survey (USGS), evaporation rates from the Army Corps of Engineers and actual hourly operational data (1998 – 2002) from AEP. It is important to note from 1967 – 2002 (35 years) that for 12 years the flow at Brookneal was 60% below normal for 6 months or more out of the year. The ACOE is apparently projecting 2004 to be yet another dry year. It is interesting in the Upper Roanoke Basin that the wettest month in terms of precipitation on average is August, which is also the lowest inflow month. The driest months in terms of precipitation are typically November, December and January. This seeming peculiarity is apparently due to a difference in transpiration and evaporation rates during these time periods. The highest stream flow months are April and May.
- A volumetric analysis was developed in Microsoft Excel that postulated possible release protocols from Leesville dam, and projected stream flow for each different release protocol at the downstream points of Altavista, Brookneal and Randolph, VA. It should be mentioned that a 1.6 factor was derived to account for inflows entering the system below the Roanoke, Blackwater, and Pigg flow gages. The volumetric model utilizes measured historical inflows from the Roanoke River, Blackwater River and Pigg River into Smith Mountain and Leesville Lakes. Release rates from Leesville Dam are varied in accordance with the protocol design. The Excel spreadsheet calculates the impact of the release protocol upon lake levels and downstream flow-by requirements at Altavista, Brookneal and Randolph, VA. Using this methodology, the committee was able to evaluate the performance of each proposed protocol under identical conditions.
- The committee was unable to reach complete agreement. Those areas of disagreement were the specific events, which would trigger reduced release rates and the specific trigger level, which would result in reduced release rates. However, several key points of agreement were reached:
  - The current 650cfs protocol is not optimal during times of prolonged low inflows because it results in very low lake levels.
  - The ability of the system operator to generate electrical power must not be compromised.
  - The seasonal nature of stream flow and precipitation must be accommodated.
  - Minimum release rates from Leesville must be sufficient to:
    - a. Ensure adequate flow to meet downstream Municipal and Industrial water needs;
    - b. Ensure adequate flow to meet DEQ minimum flow by at Altavista to assimilate sewage effluent discharge and to preclude stagnation;
    - c. To maintain the temperature and dissolved oxygen levels in the Staunton River within the DGIF stated acceptable parameters to ensure the quality of the water and to protect the fishery and the aquatic life of the river;
  - Minimum release rates from 15 October through 31 March should not fall below 350cfs.
  - Minimum release rates from 31 May through 15 October should not fall below 400cfs.
  - Between February and March the project should “super charge” to 795.3 feet adjusted, to support striper spawn releases

- During striped spawn, a 30 day period from April through May, release rates should support an 1150cfs flow-by at Brookneal
  - The release regimen must consider public water withdrawals, rainfall, evaporation rates, stream flow, lake levels, and downstream flow requirements at Altavista and Brookneal.
  - Upstream and downstream recreational expectations must be fairly balanced.
  - All identifiable stakeholder interests should be represented in the determination to invoke reduced release rates. The decision to invoke the reduced rate flow protocol is made by DEQ, always with stakeholder input and usually with stakeholder consensus.
- The “Graduated Step Release Protocol” has seasonal objectives. During the time period of October 15 to March 1 the goal is restore full pond conditions. To accomplish this objective a minimum release of 350 CFS from Leesville would be conducted only if necessary. March 1 to Striper Spawn the SML dam will be filled to above full pond at an elevation of 795.3 ft. and a minimum release of 525 CFS would be used if necessary. From about April 15 to May 30 the release would be maintained at a minimum of 525 CFS, if necessary, to support the striped spawn. The summer objective from the end of the spawn to October 15 is to support river and lake recreation. There would be a two step minimum release protocol followed, 500 and 400 CFS, only when necessary. This is higher than variance conditions typically used in the past.
  - The performance of the “Graduated Step Release Protocol” is reportedly superior to the other methods in the group’s analysis. One important advantage includes maintaining Smith Mt. Lake levels above the 792-ft. Public Safety Threshold. This is a major concern at the lake as fire and rescue response at SML depend upon adequate water to reach houses in coves which otherwise may not be deep enough. Also, levels would be higher and nighttime boating accidents due to shallow waters might be reduced. It should be noted that a recent list of boating accidents in State lakes indicated that 28 of 35 occurred at SML. In addition other stakeholder concerns mentioned above will be met. Flows can be pulsed to better serve daytime recreational needs on the downstream river.
  - The WCA wants to involve and educate all stakeholders including Lake and River groups, State and Local Governments and Agencies, Industry, ACOE, and others concerning this protocol. They would like to work with AEP & the FERC during the re-licensing of the project, so that a better protocol can be licensed for operation. It recommends that when opportunity presents it self, the release protocol should be tested and evaluated during the period leading to re-licensing. A mechanism to optimize the release protocol, based upon conditions and experience, should be included in the new license. The license will probably be in draft form by 2008 and finalized in 2010.
  - **Question: Does the protocol meet the Riparian Rights Test?** Yes, it actually improves the flow of water for downstream users.
  - **Question: What do the residents at SML think of the proposal?** They are in favor of it because they support lake levels that do not interfere with boating and dock use. Nearby residents are neutral and business owners are adamant about their support.
  - **Question: Does pulsing the water from Leesville cause greater erosion?** Excellent question! The project operates in a pulse mode already and there is tremendous erosion. One hour there is a large flow and the next nothing. A sustained flow would be better for erosion concerns. It was commented that turbines can now be designed to fluctuate flows. Apparently AEP can solve the problem but the current economic climate is not favorable. FERC could require such a change in the new permit. Since these licenses have run for 50 years it needs to be incorporated now. 30 to 40 years is a more common licensure period now. A discussion of turbulence of flow and spawning ensued. Stripers like the turbulent flow but the Roanoke Log Perch, an endangered species, does not.
  - **Question: What is to be done about safety on the river and lakes?** Bob Conner indicated that was a big concern brought up at all the Lake meetings. There is no one to patrol the lakes. These lakes drive the economic engine of the region yet little is being done to protect the people who come to visit. It seems much of the recreation fees collected wind up in the general fund rather than being used to support

such efforts. DGIF focuses on fishing licenses, alcohol, and drugs. Bill Brush indicated that SML Association does a lot to promote boat safety.

- **Question: Has the ACOE been involved in this protocol development?** Not yet but they will be briefed when it can be scheduled. ACOE is very interested in drought conditions and river basin flow. Generally DEQ, ACOE, DGIF, River and Lake Groups, etc. teleconference during drought and make decisions about release flows. It will be better if an established protocol exists. It was pointed out that in general the ACOE want the lakes to be looked at together in such planning. Also it stated that it is good from a public relations standpoint for the WCA to educate everyone about this, so that hysteria or false impressions not surface. Bill indicated this was the WCA's intent, to get input and hopefully acceptance or constructive critique on the proposal.
- **Question: Did you say that the SMLA-WCA is in favor of withdrawals?** Water withdrawals are fine but not inter-basin transfers.
- **Question: Do you plan on presenting this to Halifax County?** Yes, it will be presented to all entities.
- Chairman Feild indicated that the Advisory Committee would promote the sharing of this presentation with others particularly the NC side of the basin. He commended the SMLA-WCA on their cooperative approach to considering and involving everyone. VRRBAC wants to facilitate dialogue up and down the entire river basin.

#### **Walt Cummings, Clarksville Revitalization Committee; "Revitalization Projects in Clarksville"**

About five years ago it was apparent that the bypass was to be constructed around Clarksville and that Russel Stover would likely be closing. No one new that Burlington would also be closing but it was obvious that change was coming to Clarksville. This group wanted to be proactive and help mold the inevitable change. The Committee's work has produced 4 projects that are now underway in Clarksville, which are designed to help revitalize the town. These are the Downtown Revitalization, Bridge Lighting, The Cove, and The Park projects.

- **Downtown Revitalization:** The purpose of this project is to make the downtown area more attractive. Grants were applied for and 6 grants totaling about \$2 million were obtained. A professional prepared the grant proposals. Clarksville provided one grant. Housing and Community Development provided 2 of the grants for planning. T21 money was received from VDOT. Improvements include new streetlights and sidewalks, improved building facades, underground wiring, and water supply infrastructure. 2<sup>nd</sup> Street to 5<sup>th</sup> Street will be completed by midsummer and 5<sup>th</sup> to 8<sup>th</sup> Streets will be done by the end of the year.
- **The Cove:** The lake is believed to be Clarksville's biggest asset. However there is not a good connection between the lake and Clarksville. The project was created to produce a win/win situation for the town and lake. The goal is to enhance tourism by water and land. An area will be dredged to create a harbor and marina for about 100 boats. This requires the breaching of 3<sup>rd</sup> Street. The dredged material will be deposited on an area to create a park to be used as a gathering place with a visitors center and restroom facilities. The cost of the project will be between \$2-4 million. It is projected that about \$ 6.2 million of spending, \$350000 local revenues, \$260000 State Revenues, and 177 jobs will be generated. The creation of the park area requires a permit and will require about \$0.75 million of expenses, mostly for engineering studies. The project is in this phase now and hopefully funding will be secured by early June. This phase will last 9 months. The wetlands delineation has been completed and a second conceptual plan is being worked on.
- **Bridge Lighting:** The Clarksville Economic Development Association wants to make Clarksville an endpoint destination since with the bypass people will not be stopping. A partnership was developed with the Ruritan Club who helped sponsor the group. The idea of lighting the old bridge to make it look like and serve as a gateway to Clarksville was ascertained. In talks with fisherman a company by the name of Hydroglow surfaced. This company produces certain wavelength lights that when placed in the

water promote plankton growth and attract fish and thereby fisherman. The lights will be underwater and maybe on the sides of the bridge. The light produces a greenish glow. So the two ideas were combined. DGIF, VDOT, and ACOE are very supportive of the project. Clarksville will be one of the first to use such a system. The old bridge will also be resurfaced. It is estimated that the project will increase spending in Clarksville about \$2 million from the enhanced fishery.

- **The Park:** Clarksville and the Industrial Development Authority have endeavored to come up with a project which includes a lodge and a Conference center adjacent to the State Park and the Industrial Park. Grant money has come in and landscaping done and a tenant facility is now being constructed at the Industrial Park. There are actually 4 pieces to this project, the Industrial Park, The State Park, the community around the park, and a golf course. The purpose of the plan is to diversify the local economy, attract tourism, and make Clarksville a better place to live.

#### **Sub-committee Reports:**

Chairman Feild deferred the reports to the next meeting since many of the Sub-committee Chairmen were not present.

#### **Status of Proposed Legislation:**

### **SENATE BILL LINKS**

<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=041&typ=bil&val=sb54>

<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=041&typ=bil&val=sb109>

<http://leg1.state.va.us/cgi-bin/legp504.exe?041+sum+sb110>

<http://leg1.state.va.us/cgi-bin/legp504.exe?041+sum+SB267>

<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=041&typ=bil&val=sb322>

<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=041&typ=bil&val=sb351>

<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=041&typ=bil&val=sb400>

<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=041&typ=bil&val=sb406>

<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=041&typ=bil&val=sb426>

<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=041&typ=bil&val=sb482>

<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=041&typ=bil&val=sb523>

<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=041&typ=bil&val=sb527>

<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=041&typ=bil&val=sb543>

### **HOUSE BILL LINKS**

<http://leg1.state.va.us/cgi-bin/legp504.exe?041+sum+hb100>

<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=041&typ=bil&val=hj102>

<http://leg1.state.va.us/cgi-bin/legp504.exe?041+sum+hb335>

<http://leg1.state.va.us/cgi-bin/legp504.exe?041+sum+hb401>

<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=041&typ=bil&val=hb496>

<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=041&typ=bil&val=HB603>

<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=041&typ=bil&val=hb685>

<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=041&typ=bil&val=hb693>

<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=041&typ=bil&val=hb737>

<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=041&typ=bil&val=hb747>

<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=041&typ=bil&val=hb955>

<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=041&typ=bil&val=hb1045>

<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=041&typ=bil&val=hb1142>

<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=041&typ=bil&val=hb1271>

<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=041&typ=bil&val=hb1177>

<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=041&typ=bil&val=hb1212>

<http://leg1.state.va.us/cgi-bin/legp504.exe?041+sum+HB1227>

<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=041&typ=bil&val=hj72>

<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=041&typ=bil&val=hj102>

<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=041&typ=bil&val=hj226>

**Other Business:**

- Richard Seekins reported that the North Carolina counterpart committee has now been finalized but has not met. There were a number of factors contributing to the delay in this group's formation including appointments being overlooked prior to the GA adjournment and power sharing arrangements in the House. The group will have two co-chairs, one each from the Senate and House. There was some concern expressed that it appears that with this arrangement the legislators on the NC side were playing a more prominent role than their VA counterparts and that this could put VA at a disadvantage since citizens were in the leadership roles. However, the number of legislators on the Committees is the same in each State. Senator Ruff indicated that it was believed the process would be less political if citizens were in leadership positions here. No one is in a disadvantaged position because when they meet as a committee in NC they will do as they want and we do the same here. When the Bi-State Commission meets we will work together. The same forces are at work on both sides of the border. Steve Wall is a new employee in the NCSNR Office who is involved with the Committee. Jennifer Everett is a DENR Basin Planner, who has been a contact Greg. There are no budget appropriations thus far for the group. The COG's are apparently willing to help with financing some of the expenses of the group. Richard indicated that he would follow up to see if the Committee meets. It may be a good idea for VRRBAC to write a letter encouraging the Committee to meet so that the Bi-State Commission can begin to meet. Chairman Feild stressed the importance of such a meeting so that information can be shared across State lines. This dialogue would bring more meaning to the Committee's work. It may be helpful for RRBA

to be involved. Harrel Johnson indicated that RRBA has had some conversations with Mr. Ross, NCSNR.

- A question was asked concerning the direction and role of this Committee and the problems of obtaining a quorum. Senator Ruff indicated that the changes in the law to make the elected officials “ex officio” and adding more citizen members were designed to help the group better obtain a quorum. He is pleased that the entire Virginia basin is now working together. This is important because if a consensus can be developed for the entire basin then there is a better chance that public policy can be influenced or even meaningful legislation developed.
- Interest was expressed in having Eldon James address the group again. In particular it would be important to hear of benefits or impacts from the breach of the dam near Fredericksburg. Another topic suggested was to have P.K. Pettus to speak on the eco-tourism bird trail.

**Future Meetings:**

The next meeting location and date will be solicited by poll. The meeting will be held in July and Greg Anderson will propose location and date alternatives to the members. It was mentioned that we should probably try to ensure a quorum prior to actually meeting.